

BERRIEN COUNTY PROSECUTOR'S OFFICE

MEMO TO INVESTIGATING OFFICER

50-338-18

Agency: **MSP - 6th District**
Officer: **CRIGER**
Sheriff Bailey BCSO 18-12118
Chief Toliver BSOTPD 18-2854
Suspect/Defendant: **SUSPICIOUS DEATH**
Complaint No: **2018 - 50-338**
From: **Michael J. Sepic**
Date: **March 4, 2019**

Suspicious Death

After reviewing:
MSP report 50-2854; statements of Sgt. Roger Johnson, BCSD; Officer James Wyss, BSOTPD; the body cameras of both officers and the autopsy report, which includes a separate pathology of the heart and toxicology report. The cause of death is labeled as "Excited delirium associated with methamphetamine use". The methamphetamine level was 333 ng/mL as well as a reading of cocaine.

The officers conduct involving the deceased were exceptionally patient given his conduct and an investigation into his activity at the home of the original complainant.

The deceased was not complying with their orders and their efforts to keep him safe. The officers actions of attempting to Taser him and pepper spray him were attempts to subdue him using the least violent means available given the circumstances. These attempts failed.

While it appears this activity coupled with his elevated level of methamphetamine caused his death, there certainly is no criminal conduct associated with the officers' actions.